

### **DETAILED ACTION**

1. Claims 1-5, 7-9, 11-12, 15, 19, 21-24, 26, 28, 30, 36, 39, 41, 44, 49-50, 55-57, 60-61, 63-66, 69, 74, 77, 79 and 83 are pending in this application. Claims 6, 10, 13-14, 16-18, 20, 25, 27, 29, 31-35, 37-38, 40, 42-43, 45-48, 51-54, 58-59, 62, 67-68, 70-73, 75-76, 78, 80-82 and 84-91 have been cancelled as filed on 15 February 2006.

### ***Claim Objections***

2. Claims 19, 21, 22 and 30 are objected to because of the following informalities: Claim 19 depends from Claim 17, which has been cancelled, Claims 21, 22 and 30 ultimately depend from Claim 19. For the purposes of examination Claim 19 will be treated as being dependent on Claim 11.

3. Claim 77 is objected to because of the following informalities: Claim 77 depends from Claim 76, which has been cancelled. For the purposes of examination Claim 77 will be treated as being dependent on Claim 49

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 19, 44, 56 and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

6. With respect to Claim 19, the claim includes the limitation “(d) repeating steps (b) and (c) as required” (Claim 19, line 9). It is not clear when it is required to repeat steps (b) and (c) or when not to repeat these steps.

7. Claim 44 recites the limitation "the content instances" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 56 recites the limitation "The content instances" in line 1. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 69 recites the limitation "the selected content" in line 11. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**11. Claims 9, 44 and 83 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

12. With respect to Claims 9, 44 and 83 they are directed to a System and Apparatus but lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 USC 101. They can be interpreted by one of ordinary skill in the art as software. They are not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such they fail to fall within a statutory category.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**14. Claims 1-5, 7-9, 11-12, 15, 19, 21-23, 30, 36, 39, 41 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotz (US 2004/0068552 A1).**

15. With respect to Claim 1, Kotz disclosed: “A method of controlling the presentation of content (Abstract, lines 1-4), the method including, in a processing system:

(a) presenting content to a user ([0045], lines 1-9) in accordance with a content definition, the content definition including a number of parameters used to define the content to be presented ([0049], lines 1-6, where each content element has attributes or parameters associated with it to define or characterize the content); and

(b) causing the content definition to be modified ([0061], lines 1-5) to thereby selectively modify content to be presented ([0061], lines 19-23), the content definition being modified by modifying the parameters in accordance with weightings ([0061], lines 9-19, where the user rates the level of interest or utility of content presented, this level of interest is a weighting assigned to the content), the weightings being indicative of the ability of content defined by the parameters to meet predetermined objectives ([0061], lines 9-19, where predetermined objectives are level of interest or utility)”.

16. With respect to Claim 2, Kotz disclosed: “A method according to claim 1, wherein the content definition includes at least one of: (a) a content network ([0078], lines 4-12, where a content network is the graph representing the content); and, (b) a content indication”.

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17. With respect to Claim 3, Kotz disclosed: “A method according to claim 1, wherein the method includes:

(a) determining if a respective modification results in the respective content being more successful at meeting predefined objectives (chart below [0080], User Rating, where the system keeps track of all the ratings made by users of all content); and,

(b) increasing the frequency of presentation of the respective content in response to a successful determination ([0061], lines 13-23, where user preferences are updated based on the ratings to provide updated content)”.

18. With respect to Claim 4, Kotz disclosed: “A method according to claim 1, wherein the content definition includes a content network having a number of nodes interconnected via a number of links ([0078], lines 4-12, where each content element is a node and weighted edges or links connect the nodes), the links being used to define the content to be presented ([0096], lines 10-23, where based on the weights of the edges, the content is presented to the users), and wherein the method includes modifying the content definition by modifying weightings associated with one of more at least one of the links ([0061], lines 9-19 and [0078], lines 10-12 and the chart below [0080], where after a user provides feedback the user rating, popularity and content rating of a content item will change and therefore the similarity between two items, or the weight of an edge between them, will be updated)”.

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19. With respect to Claim 5, Kotz disclosed: “A method according to 4 claim 1, wherein the method includes presenting content in accordance with input commands from the user, the commands including an indication of the selection of content to be presented ([0058], lines 9-17)”.

20. With respect to Claim 7, Kotz disclosed: “A method according to claim 1, wherein the method includes modifying the content definition at least one of:

- (a) randomly;
- (b) in accordance with user responses ([0061], lines 9-19); and,
- (c) so as to increase the likelihood of the presented content meeting predefined objectives”.

21. With respect to Claim 8, Kotz disclosed: “A method according to claim 1, wherein the method includes iteratively modifying the content presented over time (Fig. 2, and [0061], lines 19-23, where the process loops from objects 216 to 204 to modify the content presented next)”.

22. With respect to Claim 9, Kotz disclosed: “A system for controlling the presentation of content (Abstract, lines 1-4), the system including a processing system for:

- (a) Presenting content to a user ([0045], lines 1-9) in accordance with a content definition, the content definition including a number of parameters used to define the

content to be presented ([0049], lines 1-6, where each content element has attributes or parameters associated with it to define or characterize the content); and,

(b) Selectively modifying the content definition ([0061], lines 1-5) to thereby selectively modify content to be presented ([0061], lines 19-23), the content definition being modified by modifying the parameters in accordance with weightings ([0061], lines 9-19, where the user rates the level of interest or utility of content presented, this level of interest is a weighting assigned to the content), the weightings being indicative of the ability of content defined by the parameters to meet predetermined objectives ([0061], lines 9-19, where predetermined objectives are level of interest or utility)".

23. With respect to Claim 11, Kotz disclosed: "A method of controlling the presentation of content instances using a processing system (Abstract, lines 1-4), the method including causing the processing system to:

(a) present one at least one of the content instances to the user ([0045], lines 1-9) in accordance with a content network ([0078], lines 4-12), the content network including:

(i) a plurality of nodes ([0078], lines 8-9), each node being associated with at least one of the content instances (chart below [0080], where each node is associated with a content instance, itself in the case of a content node or content ratings, in the case of a user node);

(ii) one or more a plurality of links for interconnecting the plurality of nodes ([0078], lines 7-8) to define sequences of content instances ([0096], lines 10-23); and,

(b) determine at least one response provided by the user in response to the presentation of the at least one of the content instances ([0061], lines 9-12);

(c) evaluate the at least one responses in accordance with predetermined criteria to thereby determine the ability of the at least one presented content instances to satisfy predefined objectives ([0061], lines 9-19, where predetermined objectives are level of interest or utility); and,

(d) modify the content network in accordance with the results of the evaluation ([0061], lines 19-23, where an updated list of recommendations is created based on the evaluation)".

24. With respect to Claim 12, Kotz disclosed: "A method according to claim 11, wherein the predefined objectives include the effectiveness of a content instance sequence at retaining a user's interests ([0061], lines 13-15), and wherein the method includes at least one of:

(a) repeatedly modifying the content network such that content instances that are determined to be more able to satisfy the predetermined objectives are presented ([0061], lines 1-23); and,

(b) modifying the content network iteratively to thereby optimise the content network such that the ability of the content network to satisfy the predetermined objectives is improved”.

25. With respect to Claim 15, Kotz disclosed: “A method according to claim 11, each node including an indication of a presentation instance ([0078], lines 4-12, where each content node indicates a presentation instance of the content and each user node indicates a presentation instance by keeping data on previous presentation instances that have been rated, see for example Content Ratings, chart below [0080]), each presentation instance being associated with at least one content instance ([0045], lines 1-4, when content is presented to the user there is a presentation instance and this instance is associated with the content being presented), and each content instance being associated with a number of presentation instances ([0045], lines 1-4, where each time content is presented to a user it becomes associated with that presentation instance), the content network including a weighting associated with each link ([0078], lines 11-12), and the method including causing the processing system, to modify the content network by modifying the weightings in accordance with the at least one response ([0061], lines 9-19 and [0078], lines 10-12 and the chart below [0080], where after a user provides feedback the user rating, popularity and content rating of a content item will change and therefore the similarity between two items, or the weight of an edge between them, will be updated)”.

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26. With respect to Claim 19, Kotz disclosed: “A method according to claim 17, the method including causing the processing system to present the content instances ([0045], lines 1-4) by:

(a) presenting at least one content instance associated with a respective presentation instance ([0045], lines 1-4, when content is presented it is associated with that presentation instance);

(b) selecting a link in accordance with the at least one response, the link connecting the respective presentation instance to a subsequent presentation instance ([0059], lines 3-10, where the user response is to skip the current presentation instance of the content item and [0096], lines 10-23, after user selects skip, the next item in the recommendation list is selected, by the next highest weighted link connected to the user node experiencing the presentation instance);

(c) presenting the one or more at least one content instances associated with the subsequent presentation instance ([0059], lines 3-10, where the next content item is presented as a subsequent presentation instance); and

(d) repeating steps (b) and (c) as required ([0059], lines 3-10, where a user may repeat the process by skipping any number of content items)”.

27. With respect to Claim 21, Kotz disclosed: “A method according to claim 19, each presentation instance including at least one request option (Fig. 4 and 5 and [0053], lines 1-20, where content presented to a user is a presentation instance and during a presentation instance the user may skip the song), each request option having at least

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one link associated therewith ([0059], lines 3-10, and [0096], lines 10-23, after the user selects skip, the next item in the recommendation list is selected by the next highest weighted link connected to the user node experiencing the presentation instance), the method including causing the processing system to:

- (a) determine a request from the at least one responses ([0059], lines 3-10, where a request is to skip the current content presented in the presentation instance):

- (b) select a request option corresponding to the request ([0059], lines 3-10, where the content is skipped according to the request); and,

- (c) select at least one link associated with the select request option ([0059], lines 3-10, and [0096], lines 10-23, after the user selects skip, the next item in the recommendation list is selected by the next highest weighted link connected to the user node experiencing the presentation instance)".

28. With respect to Claim 22, Kotz disclosed: "A method according to claim 21, the method including causing the processing system to modify weightings of selected links by:

- (a) determining at least one response to the presentation of at least one content instance associated with a respective presentation instance ([0061], lines 9-19); and

- (b) modifying the weighting of each link selected prior to the at least one content instance being presented in accordance with the determined response ([0061], lines 9-19 and [0078], lines 10-12 and the chart below [0080], where after a user provides feedback the user rating, popularity and content rating of a content item will change and

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therefore the similarity between two items, or the weight of an edge between them, will be updated)".

29. With respect to Claim 23, Kotz disclosed: "A method according to claim 11, the method including causing the processing system to modify the content network by modifying the links, the modifications including at least one of:

- (a) removing a respective link;
- (b) creating a new link ([0096], lines 10-12); and
- (c) moving a link from one presentation instance to another presentation instance".

30. With respect to Claim 30, Kotz disclosed: "A method according to claim 19, the method including causing the processing system to:

- (a) determine the content instances associated with a respective presentation instance ([0096], lines 4-8, where the n content instances are associated with a presentation instance);
- (b) select at least one of the content instances in accordance with at least one of:
  - (i) a content instance rating;
  - (ii) a content instance weighting ([0096], lines 10-23, where the highest weighted links to content instances are used to select content instances);
  - (iii) a content instance type, each content instance having an associated type determined in accordance with the nature of content contained therein;

- (iv) descriptive data pertaining to the content instance's relationship to other content instances;
- (v) a content instance criteria; and,
- (vi) predetermined instructions associated with at least one of:
  - (1) the links;
  - (2) the presentation instances; and
  - (3) the content instances; and,
- (c) present the one or more at least one selected content instances ([0045], lines 1-4)".

31. With respect to Claim 36, Kotz disclosed: "A method according to claim 11, each content instance, presentation instance, link or content instance combination having an associated rating (chart below [0080], where each content instance has an associated user rating), the method of including causing the processing system to:

- (a) evaluate each response in accordance with predetermined criteria ([0061], lines 9-19);

- (b) determine a rating modification in accordance with the results of the evaluation (chart below [0080], User Rating, where the user rating section is modified based on a users rating of the content); and,

- (c) apply the rating modification to a rating associated with at least one of:

- (i) a content instance (chart below [0080], User Rating, where the user rating section is modified based on a users rating of the content);

- (ii) a presentation instance;
- (iii) a link; and
- (iv) a content instance combination”.

32. With respect to Claim 39, Kotz disclosed: “A method according to claim 11, the method including causing the processing system to determine from at least one response, at least one of:

- (a) a rating provided in response to the presentation of at least one content instance, the rating being provided by the user (chart below [0080], User Rating);

- (b) an indication of the length of time the user spent observing at least one content instance;

- (c) an indication of whether the presentation of at least one content instance to the user caused by a predetermined event”.

33. With respect to Claim 41, Kotz disclosed: “A method according to claim 11, the processing system being coupled to an end station via a communication network ([0041], lines 1-4), the method including the processing system to:

- (a) transfer at least one content instance to be presented to the end of the station via the communications network, the end station being adapted to present at least one content instance to the user ([0045], lines 1-4); and

- (b) receive at least one response generated by the end station via the communications network ([0046], lines 1-4)”.

34. With respect to Claim 44, Kotz disclosed: "Apparatus for controlling the presentation of the content instances (Abstract, lines 1-4), the apparatus including a processing system adapted to:

(a) present one at least one of the content instances to the user ([0045], lines 1-9) in accordance with a content network ([0078], lines 4-12), the content network including:

(i) a plurality of nodes ([0078], lines 8-9), each node being associated with at least one of the content instances (chart below [0080], where each node is associated with a content instance, itself in the case of a content node or content ratings, in the case of a user node);

(ii) one or more a plurality of links for interconnecting the plurality of nodes ([0078], lines 7-8) to define sequences of content instances ([0096], lines 10-23); and,

(b) determine at least one response provided by the user in response to the presentation of the at least one of the content instances ([0061], lines 9-12);

(c) evaluate the at least one responses in accordance with predetermined criteria to thereby determine the ability of the at least one presented content instances to satisfy predefined objectives ([0061], lines 9-19, where predetermined objectives are level of interest or utility); and,

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(d) modify the content network in accordance with the results of the evaluation ([0061], lines 19-23, where an updated list of recommendations is created based on the evaluation)”.

**35. Claims 49-50, 55, 56-57, 61, 63-66, 69, 74, 77 and 83 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan (US 2003/0093790 A1).**

36. With respect to Claim 49, Logan disclosed: “A method of controlling the presentation of content to a user using a processing system (Abstract, lines 1-4), the method including causing the processing system to:

(a) receive a content indication representing content to be displayed ([0046], lines 1-14, where metadata describing content to be displayed is transmitted to users);

(b) present the content in accordance with the content indication ([0056], lines 1-12); and,

(c) selectively distributing distribute the content indication to at least one of:

(i) other processing systems; and,

(ii) other users ([0092], lines 1-7); and,

(d) selectively modify the content indication in accordance with predetermined mutation rules prior to at least one of:

(i) presenting the content ([0056] – [0057], where metadata or mutation rules are used to selectively modify the sequence of playback and [0049], lines 7-10, where other metadata, the or content indication, is transmitted with

programming content to the user so altering the sequence of playback will also alter the sequence of the metadata or modify the content indication); and,  
(ii) distributing the content”.

37. With respect to Claim 50, Logan disclosed: “A method according to claim 49, the content indication being at least one of:

(a) the content, the method including selectively modifying the content indication by modifying the content; and,

(b) a content specification defining the content to be presented ([0046], lines 1-4), the method including selectively modifying the content indication by modifying the content specification ([0057], lines 1-4) to there by modify the content presented ([0056], lines 1-12)”.

38. With respect to Claim 55, Logan disclosed: “A method according to claim 49, the content being a content collection ([0053], lines 1-3, where a broadcast is a collection of content), the content collection including one of more at least one content instances ([0054], lines 1-4, where individual segments of the broadcast, or content collection, make up content instances)”.

39. With respect to Claim 56, Logan disclosed: “The content instances including at least one of: (a) images; (b) textual information; (c) audio information; (d) executable code; (e) display code; (f) data objects; (g) links to other content; and, (h) multimedia

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objects ([0053], lines 1-4, where the content instances are individual segments of a multimedia broadcast)".

40. With respect to Claim 57, Logan disclosed: "A method according to claim 56, the method including causing the processing system to present the content instances in accordance with a template, the template being determined in accordance with the content indication ([0056], lines 1-12, where the content instances are presented according to a template or sequence described by the metadata or content indication)".

41. With respect to Claim 61, Logan disclosed: "A method according to claim 49, the method of modifying the content indication including:

(a) transferring the content indication to the processing system using a form ([0331], lines 1-5, where metadata is represented in XML format and [0057], lines 1-5, where users may edit the metadata and therefore the metadata is presented as a form); and

(b) causing the processing system to:

(i) receive the form ([0049], lines 1-4);

(ii) modify the content indication ([0057], lines 1-5); and,

(iii) distribute the modified content indication ([0092], lines 1-11)".

42. With respect to Claim 63, Logan disclosed: "A method according to claim 49, the mutation rules defining at least one of: (a) whether the content indication is to be

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modified; and, (b) the nature of any modification to be performed ([0056], lines 1-12, where the metadata representing the mutation rules defines the nature or the modifications to be performed)”.

43. With respect to Claim 64, Logan disclosed: “A method according to claim 49, the method including causing the processing system to determine the mutation rules from at least one of: (a) a store coupled to the processing system; and, (b) the content indication ([0056], lines 1-12, where the metadata or content indication includes the mutation rules or metadata describing the modifications to be performed)”.

44. With respect to Claim 65, Logan disclosed: “A method according to claim 49, the mutation rules being used to modify parameters associated with the content indication at least one of: (a) randomly; (b) by selecting alternative parameters from a predetermined list; (c) in accordance with input commands received from a user ([0059], lines 14-20, where the user modifies parameters such as rating); and, (d) by modifying the parameters in accordance with predetermined rules”.

45. With respect to Claim 66, Logan disclosed: “A method according to claim 49, the method including causing the processing system to:

(a) maintain a log, the log indicating previous presentation of the respective content, the content log being maintained in at least one of:

- (i) a store ([0118], lines 7-10, where a user log of previous presentations of content is recorded); and
  - (ii) the content specification; and,
- (b) modify the content indication in accordance with the respective log ([0120] and [0123], where the preference data from the user log can be used to edit the content indication by highlighting segments of interest in a program guide)".

46. With respect to Claim 69, Logan disclosed: "A method according to claim 49, the processing system including a base station ([0016], where content is broadcast to a user) coupled to one or more at least one of end stations via a communication network ([0092], lines 1-2, where there are multiple user end stations), the method including:

- (a) causing the end station to;

- (i) receive the content indication from another end station ([0092], lines 1-2); and,

- (ii) transfer at least a portion of the content indication ([0092], lines 1-2, where multiple users may share the same content indication or metadata);

- (b) causing the base station to:

- (i) receive the content indication portion from the end station ([0112], lines 1-6);

- (ii) determine the content for presentation in accordance with the content indication portion ([0112], lines 6-11, where desirable programming is identified);

(iii) transfer the selected content to the end station via the communications network ([0112], lines 6-11, where users may share the best of on a particular station); and,

(c) causing the end station to display the selected content ([0112], lines 6-11, where sharing the best of causes users to play the content)".

47. With respect to Claim 74, Logan disclosed: "A method according to claim 49, the method including causing the processing system to:

(a) receive input commands from a user ([0111], lines 3-15, where a user inputs editing commands); and,

(b) define a user defined content indication in accordance with input commands ([0111], lines 3-15, where the inputted editing commands create metadata to separate individual songs from a radio broadcast), the user defined content indication being adapted to cause content selected by the user to be presented ([0112], lines 1-11, where a user shares his metadata to enable other users to play the radio broadcast according to the metadata)".

48. With respect to Claim 77, Logan disclosed: "A method according to claim 76, the method including causing the processing system to:

(a) Compare distribution of a number of user defined content indications ([0127], lines 1-8);

(b) assess the relative success of the user defined content indications in accordance with the results of the comparison ([0127], lines 1-8); and,  
(c) Provide an indication of the relative success to at least one of the users ([0127], lines 1-8)".

49. With respect to Claim 83, Logan disclosed: "Apparatus for controlling the presentation of content to a user (Abstract, lines 1-4), , the apparatus including a processing system adapted to:

(a) receive a content indication representing content to be displayed ([0046], lines 1-14, where metadata describing content to be displayed is transmitted to users);

(b) present the content in accordance with the content indication ([0056], lines 1-12); and,

(c) selectively distributing distribute the content indication to at least one of:

(i) other processing systems; and,

(ii) other users ([0092], lines 1-7); and,

(d) selectively modify the content indication in accordance with predetermined mutation rules prior to at least one of:

(i) presenting the content ([0056] – [0057], where metadata or mutation rules are used to selectively modify the sequence of playback and [0049], lines 7-10, where other metadata, the or content indication, is transmitted with programming content to the user so altering the sequence of playback will also alter the sequence of the metadata or modify the content indication); and,

(ii) distributing the content”.

***Claim Rejections - 35 USC § 103***

50. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**51. Claims 24, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotz in view of Hosken (US 6,438,579 B1).**

52. With respect to Claim 24, Kotz disclosed: “A method according to claim 23, each link having a weighting ([0096], lines 13-15)”

Kotz did not explicitly state: “and the method including causing the processing system to compare at least one of the weightings to a predetermined threshold and perform the modification in accordance with the results of the comparison”.

However, Hosken disclosed: “and the method including causing the processing system to compare at least one of the weightings to a predetermined threshold (Fig. 7C and Col. 14, lines 62-67, where the system searches content tables for related items and compares the relationship weight to a threshold) and perform the modification in accordance with the results of the comparison (Fig. 7C and Col. 14, lines 62-67, where

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depending on the comparison the item is added to a results table, creating an association between the content items)".

One of ordinary skill in the art would be motivated to combine the references because the systems of Kotz and Hosken are both concerned with creating content recommendations to users based on the users tastes.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the recommendation system of Kotz with the teachings of Hosken to include support for creating and removing links. Motivation to combine the references comes from the system of Kotz not disclosing details related to creating or removing links. Furthermore, the system of Hosken implements a threshold to limit the number of links between content items and therefore can save disk space and processing power by not maintaining links between every content item in a database.

53. With respect to Claim 26, the combination of Kotz and Hosken disclosed: "A method according to claim 24, the method including causing the processing system to:

(a) create a new link if at least one of:

(i) the weighting of at least one existing link is below a lower threshold;

(ii) the weighting of at least one existing link is above an upper threshold;

and

(iii) a rating of at least one content instance is below a lower threshold;

(iv) a rating of at least one presentation instance is below a lower

threshold;

(v) a rating of at least one content instance is above an upper threshold (Hosken, Fig. 7C and Col. 14, lines 62-67, if the weight is above a threshold the comparison the item is added to a results table, creating an association or link between the content items); and,

(vi) a rating if at least one presentation instance is above an upper threshold; and,

(b) remove a link if at least one of:

(i) the weighting of the link is below a lower threshold (Hosken, Col. 13, lines 7-9, where a traversal is not completed and an association between content items is removed due to the rating and confidence level fall below a threshold); and,

(ii) a presentation instance to which the link is associated is removed”.

The motivation to combine is the same as that above in Claim 24.

54. With respect to Claim 28, Kotz disclosed: “A method according to claim 11, the method including causing the processing system, to update the content network by:

(a) determining at least one new presentation instance in accordance with ratings associated with at least one of:

(i) at least one content instance; and

(ii) at least one presentation instance ([0061], lines 9-23, where a rating of a content item being presented in a presentation instance is used to update the

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user profile and to request a new list of content items to be presented, or a new presentation instance)".

Kotz did not explicitly state: "(b) creating at least one link associated with each new presentation instance, each link linking each new presentation instance to at least one existing or new presentation instance".

However, Hosken disclosed: "(b) creating at least one link associated with each new presentation instance, each link linking each new presentation instance to at least one existing or new presentation instance (Fig. 7C and Col. 14, lines 61-67, where a link is created between an old presentation instance, the input item, and the new content to be presented in the new presentation instance by adding the content to content results table and displaying the results to the user)".

One of ordinary skill in the art would be motivated to combine the references because the systems of Kotz and Hosken are both concerned with creating content recommendations to users based on the users tastes.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the recommendation system of Kotz with the teachings of Hosken to include support for creating links between new presentation instances and old presentation instances. Motivation to combine the references comes from being able to provide better recommendations to users. Based on the presentation instance links, and their weight, the system can make a more informed decision as to other possible presentation instances a user might like.

**55. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of RFC 2616 (June 1999).**

56. With respect to Claim 60, Logan disclosed: “A method according to claim 49, the content being in the form of a web-page, the content indication being a URL ([0102], lines 1-5, where metadata, or a content indication is a URL which directs the user to a web page or content), the method including causing the processing system to: (a) modify the URL ([0102], lines 8-11, where a user can modify the metadata to include a URL for a web page); and, (b) using a process to present a web-page in accordance with modified URL ([0102], lines 8-14, where the meta data is shared with other users who can access the URL)”.

Logan did not explicitly state: “using a re-direct process to present a web-page”.

However, RFC 2616 disclosed: “using a re-direct process to present a web-page (pg 53, 10.3 Redirection 3xx)”.

One of ordinary skill in the art would have been motivated to combine the references because Logan uses HTTP, defined by RFC 2616.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Logan with the teachings of RFC 2616 to include support for redirection. Motivation to combine these references comes from the numerous reasons to use redirection, from temporary redirections to permanently moved or even common misspellings of the web page.

**57. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Hosken.**

58. With respect to Claim 79, Logan disclosed: “A method according to claim 49, the content including web pages ([0102], lines 1-5, where a content indication is a URL and the content is a webpage)”

Logan did not explicitly state: “the web pages having at least one link to other web pages, the method including modifying the content by modifying the link based on the number of times each page is viewed”.

However, Hosken disclosed: “the web pages having at least one link to other web pages (Col. 5, lines 8-11, where the web pages are media content items and the relationships identified and the relative weights are links between the media content items, or web pages), the method including modifying the content by modifying the link based on the number of times each page is viewed (Col. 10, line 50 – Col. 11, line 19, where implicit user behavior, including media items, or web pages, viewed is used to characterize the relationships between media items and a weightings of the links between the media items, or web pages)”.

One of ordinary skill in the art would be motivated to combine the references because the systems of Logan and Hosken are both concerned with delivering relevant content to users based on the users tastes.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the recommendation system of Logan with the teachings of Hosken to include support for modifying links between web pages based on the number of views. Motivation to combine the references comes from being able to provide better recommendations to users. Being able to strengthen a link between two webpages because a large number of users view both pages will enable the system to recommend one of the web pages to users who only view the other web page because there is a high probability that both web pages are relevant to the users interests based on other users viewing both web pages.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2451

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MSL  
3/29/2010

/Hassan Phillips/

Primary Examiner, Art Unit 2451